

LEGAL DESCRIPTIONS

TRACT 1:

The existing legal description for the subject parcel is recorded as follows:

A part of the Southwest quarter of Section 3, Township 7 North, Range 1 West, bounded and described as follows, to wit: Beginning at a point that is 301.62 feet West and 99 feet South of the Northeast corner of the Southwest quarter of Section 3; thence South 77 feet; thence South 78 degrees 02 minutes 53 seconds East for 106.40 feet, thence North 17 degrees 13 minutes 05 seconds East for 79.50 feet; thence North 80 degrees 5 minutes West 127.81 feet and to a point of beginning, containing in all 0.21 acres, more or less.

Based on this recent survey the subject property is more particularly found and described as follows:

Part of the Southwest quarter of Section 3, Township 7 North, Range 1 West, Clear Creek Township, Monroe County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Southwest quarter; thence North 89 degrees 34 minutes 26 seconds West along the North line of said quarter section 312.49 feet; thence South 00 degrees 25 minutes 34 seconds West 104.12 feet to a rebar with cap set at the point of beginning; thence South 07 degrees 58 minutes 47 seconds West 32.00 feet to a rebar with cap; thence South 16 degrees 21 minutes 23 seconds West 44.00 feet to a rebar with cap; thence South 68 degrees 26 minutes 27 seconds East 105.59 feet to a railroad spike set on the West right-of-way of Chestnut Street; thence North 24 degrees 30 minutes 00 seconds East along said West line 81.50 feet to a rebar with cap; thence North 71 degrees 29 minutes 38 seconds West 121.44 feet to the point of beginning, containing 0.201 acres, more or less.

Subject to all easements and rights-of-way of record.

TRACT No. 2

The existing legal description for the subject parcel is recorded as follows:

A part of the Southwest Quarter of Section 3, Township 7 North, Range 1 West, Monroe County, Indiana, described as follows: Beginning at a point that is 301.62 feet West and 176 feet South of the Northeast corner of the said Southwest quarter; thence West for 39 feet; thence South 06 degrees 09 minutes 20 seconds West for 90.38 feet; thence South 84 degrees 31 minutes 49 seconds East for 127.78 feet; thence North 17 degrees 13 minutes 5 seconds East for 75.50 feet; thence North 78 degrees 02 minutes 53 seconds West for 106.40 feet and to the point of beginning, containing in all 0.26 acres, more or less.

Based on this recent survey, the subject property is more particularly found and described as follows:

Part of the Southwest quarter of Section 3, Township 7 North, Range 1 West, Clear Creek Township, Monroe County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Southwest quarter; thence North 89 degrees 34 minutes 26 seconds West along the North line of said Southwest quarter 328.78 feet; thence South 00 degrees 25 minutes 34 seconds West 178.16 feet to a rebar with cap set at the point of beginning; thence North 74 degrees 01 minutes 10 seconds West 39.49 feet to a rebar with cap; thence South 16 degrees 28 minutes 11 seconds West 97.14 feet to a rebar with cap; thence South 78 degrees 23 minutes 13 seconds East 134.32 feet to a rebar with cap set on the West line of Chestnut Street of the Town of Smithville; thence North 24 degrees 30 minutes 00 seconds East along said West line 77.50 feet to a railroad spike; thence North 68 degrees 26 minutes 27 seconds West 105.59 feet to the point of beginning, containing 0.282 acres, more or less.

Subject to all easements and rights-of-way of record.

TRACT No. 3

The existing legal description for the subject parcel is recorded as follows:

A part of the Southeast quarter of the Southwest quarter, Section 3, Township (7) North, Range One (1) West, bounded and described as follows, to-wit: Beginning at the Northwest corner of the Town of Smithville, running thence West Ten (10) poles, thence South six (6) poles, thence Southeast about Seven (7) poles to the west Street of the Town of Smithville; thence Northeast with the line of said street about Nine (9) poles to the place of beginning. Containing one-half (1/2) acre, more or less.

Based on this recent survey the subject property is more particularly found and described as follows:

Part of the Southwest quarter of Section 3, Township 7 North, Range 1 West, Clear Creek Township, Monroe County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Southwest quarter; thence North 89 degrees 34 minutes 26 seconds West along the North line of said Southwest quarter 133.65 feet to railroad spike set at the point of beginning, said point being on the West line of Chestnut Street of the Town of Smithville; thence continuing North 89 degrees 34 minutes 26 seconds West along said North line 165.00 feet; thence South 07 degrees 58 minutes 47 seconds West 105.04 feet to a rebar with cap (passing a rebar with cap at 30.00 feet); thence South 71 degrees 29 minutes 38 seconds East 121.44 feet to a rebar with cap set on the West line of said Chestnut Street; thence North 24 degrees 30 minutes 00 seconds East along said West line 155.32 feet to the point of beginning, containing 0.413 acres, more or less.

Subject to all easements and rights-of-way of record.

REPORT OF SURVEY

D. Perry Franklin and Shellie Franklin  
D.R. 389, page 544

In accordance with Title 864, chapter 12 of the Indiana Administrative Code, a report of survey is required to explain procedures used in establishing the subject property lines and to provide an opinion regarding uncertainties in the final boundary locations.

The property lines for the subject property were determined as follows:

1. A railroad spike (point 77) was found at the West quarter corner of Section 3.
2. A railroad spike (point 160) was found at the East quarter corner of Section 3.
3. An iron pin (point 157) was found at the South quarter corner of Section 3.
4. A railroad spike with "X" (point 150) was found South of Fairfax Road and was accepted as being on the North to South centerline of Section 3.
5. The center of Section 3 (point 262) was calculated at the intersection of the line between points 77 to 262 with the line between points 157 to 150.
6. An iron pipe (point 57) was found at the Southwest corner of Lot 37 of Smithville.
7. An iron pipe (point 58) was found at the Southeast corner of Lot 38 of Smithville.
8. The East line of Chestnut Street was set perpendicular to the line between points 57 and 58 and through point 57. The West line of Chestnut Street which is the East line of all three subject tracts was set 33 feet West of the East line of Chestnut Street as per the plat for the Town of Smithville.
9. The Northeast corner of Tract No. 3 (point 266) was set at the intersection of the section line between points 77 and 262 and the West line of Chestnut Street.
10. The Northwest corner of Tract No. 3 (point 267) was set at the record distance of 165 feet West of the Northeast corner (point 266)
11. The Northeast corner of Carthell Everett (point 213) was set at the record distance of 363.73 feet East of the iron pipe found at point 60 and at the record distance of 217.72 feet North of the iron pipe found at point 209.
12. The Northeast corner of Owings (point 264) was fixed at the record distance East of a rebar found (point 56) at the Southwest corner of Merriman with the line between points 56 and 264 parallel with the section line.
13. The Southeast corner of Merriman (point 268) was set 41.00 feet East of point 264 as per the 1892 deed record.
14. The Southwest corner of Tract No. 3 (point 273) was set at the record distance of 32 feet North of point 268 and on the line between points 268 and 267.
15. The Southeast corner of Owings (point 265) was set at the record distance of 233.14 feet East of point 60 and on the line between points 60 and 213.
16. The Southeast corner of Edwards (point 276) is located at the intersection of the West line of Chestnut Street with the North line of Everett (point 60 to point 213)
17. The Southwest corner of Tract No. 2 (point 275) was set at the record distance of 134.70 feet North from the Southwest corner of Edwards (point 265) on the line between points 265 and 264.
18. The Southeast corner of Tract No. 2 (point 277) was set on the West line of Chestnut Street at the record distance of 137.3 feet North from the Southeast corner of Edwards (point 276).
19. The Northwest corner of Tract No. 2 (point 270) was set at the record distance of 33 feet South of the Northeast corner of Owings (Point 264) and on the line between points 264 and 265.
20. The Southwest corner of Tract No. 1 (point 271) was set at the record distance of 44 feet South of the Southeast corner of Merriman (point 268) and at the record distance of 39.49 feet East of the Northwest corner of Tract No. 2 (point 270)
21. The Northeast corner of Tract No. 1 (point 278) was set at the record distance of 159 feet North of the Southeast corner of Tract No. 2 (point 277) as per the 1892 deed and on the West line of Chestnut Street.
22. The Southeast corner of Tract No. 1 (point 280) was set at the proportioned record distance between the Northeast corner of Tract No. 1 (point 278) and the Southeast corner of Tract No. 2 (point 277) and on the West line of Chestnut Street.

Uncertainties in the boundary lines can result from any or all of the following factors:

A. Availability and Condition of Reference Monuments

Refer to above items 1 through 22 for section line determination and descriptions of other monuments used to determine boundary lines.

Five iron pipe monuments (points 51, 52, 53, 54, and 55) were found near corners of the subject property. These monuments were within five feet or less of the property corner positions as shown on the plat of survey with the actual differences in location shown on the plat of survey.

B. Ambiguity in record descriptions or plats.

None of the legal descriptions for the subject tracts mathematically close.

The descriptions for Tracts No. 1 and 2 have the bearings rotated about 7 degrees counterclockwise from true bearings.

The West line of Tract No. 3 and the East line of Merriman are listed in the deed as "South" compared to a field bearing of South 07 degrees 58 minutes 47 seconds West.

The description for Tract No. 2 of the Merriman tract has the North line 34.33 feet long compared to 41 feet in the 1892 deed. This description also has the East line as due "North" compared to a field bearing of North 16 degrees 21 minutes 33 seconds East. The West line of this tract has a field bearing of South 16 degrees 28 minutes 11 seconds West compared to a record bearing of South 06 degrees 09 minutes 20 seconds West.

C. Inconsistencies in Lines of Occupation

The West line of Tract No. 3 is West of the fence line.

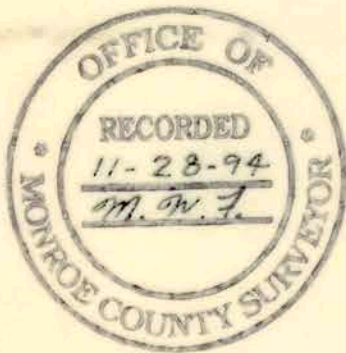
D. Theoretical Uncertainty

Due to random errors caused by survey instrument precision and survey field methods used, the theoretical uncertainty of all points in this survey is 0.25 feet which meets the requirements of a Class "B" survey as defined in the survey standards. This means that the actual field position of all points in this survey is within this uncertain distance from the point locations as shown on the plat of survey.

CERTIFICATION

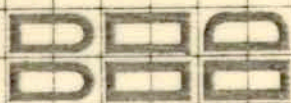
I, Kevin B. Potter, Indiana L.S. No. S 0487, hereby certify that the attached plat and legal description represents a recent survey performed in accordance with survey standards as set forth in Title 864, chapter 12 of the Indiana Administrative Code and in witness thereof I hereunto attach my hand and seal this 27th day of NOVEMBER, 1994.

*Kevin B. Potter*  
Kevin B. Potter, L.S. No. S 0487  
Bynum Fanyo and Associates, Inc.  
700 North Walnut Street  
Bloomington, Indiana 47404



FRANKLIN BOUNDARY SURVEY

Section 3, Township 7 North, Range 1 West



BYNUM FANYO & ASSOCIATES, INC.

700 north walnut street

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

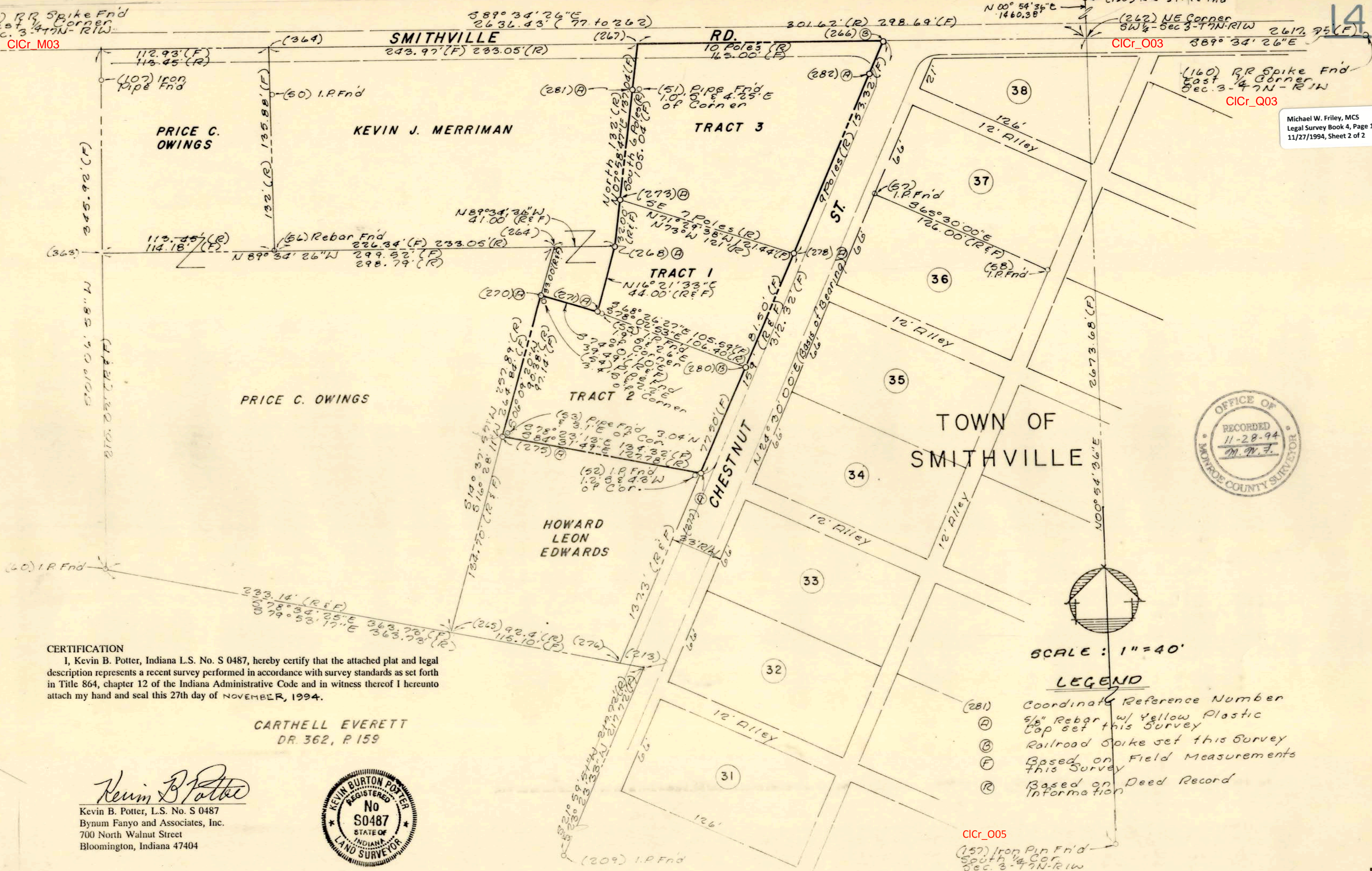
bloomington, indiana

certified by

drawn by:

revisions:





CERTIFICATION

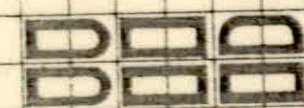
I, Kevin B. Potter, Indiana L.S. No. S 0487, hereby certify that the attached plat and legal description represents a recent survey performed in accordance with survey standards as set forth in Title 864, chapter 12 of the Indiana Administrative Code and in witness thereof I hereunto attach my hand and seal this 27th day of NOVEMBER, 1994.

CARTHELL EVERETT  
DR. 362, P. 159

*Kevin B. Potter*  
Kevin B. Potter, L.S. No. S 0487  
Brynum Fanyo and Associates, Inc.  
700 North Walnut Street  
Bloomington, Indiana 47404



**FRANKLIN BOUNDARY SURVEY**  
Section 3, Township 7 North, Range 1 West



BYNUM FANYO & ASSOCIATES, INC.

700 north walnut street

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

bloomington, indiana

certified by:

drawn by:

revisions: